

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 23-80101(s)-CR-CANNON

UNITED STATES OF AMERICA,

Plaintiff,

v.

**DONALD J. TRUMP,
WALTINE NAUTA, and
CARLOS DE OLIVEIRA,**

Defendants.

_____ /

**GOVERNMENT'S MOTION FOR LEAVE TO FOLLOW FILING
PROCEDURES SET FORTH BY THE COURT IN ECF NO. 320**

The United States of America, through its undersigned attorneys, respectfully requests leave to follow the procedures the Court set out in ECF No. 320 for the submission of four of its oppositions to defendants' motions that contain materials for which the Government will be seeking redactions. The Government anticipates that four of its opposition briefs will contain information and attachments for which the Government will be seeking redactions and sealing. For those four opposition briefs, the Government requests leave, consistent with ECF No. 320, to (1) email unredacted versions of the briefs and attachments, as well as red-box versions of the briefs and attachments showing proposed redactions, to the Court and defense counsel on March 7, 2024; (2) publicly file on March 7, 2024 a notice identifying the pleadings emailed to the Court and defense counsel; and (3) file on the same date a motion for leave to redact and seal certain

materials, setting forth the justifications for the proposed redactions and sealing and an explanation of how the Government has satisfied the standard for restricting public access to these materials.¹

Respectfully submitted,

JACK SMITH
Special Counsel

By: /s/ Jay I. Bratt
Jay I. Bratt
Counselor to the Special Counsel
Special Bar ID #A5502946
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Anne P. McNamara
Assistant Special Counsel
Special Bar ID #A5501847

David V. Harbach, II
Assistant Special Counsel
Special Bar ID #A5503068

¹ The Government has met and conferred with defense counsel concerning this motion. Defense counsel do not object to the Government following the procedures set forth in ECF No. 320 for the submission of the four briefs and attachments containing information for which the Government will be seeking redactions or sealing. Counsel for defendant Nauta requested that the Government communicate his belief that, at the March 1, 2024 hearing, the Court orally stayed all briefing on the Rule 12 motions until the Court had resolved all issues surrounding the redaction and sealing of discovery materials. Counsel for defendants Trump and De Oliveira believed the Court's statements on that subject were ambiguous. Although it has yet to receive a transcript of the hearing, the Government does not believe the Court orally stayed further briefing on the Rule 12 motions and notes that there is no memorialization of such a ruling in the minute order the Court issued after the hearing, ECF No. 361. The Government intends to file its opposition briefs on March 7. Counsel for defendant Nauta requests clarification as to whether the briefing is in fact stayed such that the Government's filings on March 7 would not trigger the 7-day reply period under the Local Rules.

CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which in turn serves counsel of record via transmission of Notices of Electronic Filing.

/s/ Jay I. Bratt

Jay I. Bratt